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OFFICE OF PETITIONS

In re Patent of :
Soong et al. :
Application No. 10/065,988 : DECISION
Filed: December 6, 2002 : ON PETITION
Title of Invention: SYSTEM AND :
METHOD FOR DESIGN, DEVELOPMENT, :
AND DEPLOYMENT OF DISTRIBUTED :
APPLICATIONS THAT SHARE DATA :
FROM HETEROGENEOUS AND :
AUTONOMOUS SOURCES OVER THE WEB :

This is a decision on the Petition to Withdraw Holding of Abandonment, filed April 23, 2006. The Request is properly treated as a petition under 37 CFR §1.181(a).

The petition is **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed April 19, 2005. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been filed, this application became abandoned on July 20, 2005. A Notice of Abandonment was mailed April 20, 2006.

The instant petition

Applicants request that the holding of abandonment in this application be withdrawn because Applicants did not receive the Office action. Applicants provides that the reason that the Office action was not received could have been because Applicant had moved.

Analysis

It is initially noted that the correspondence address appearing on the petition is the same correspondence address appearing on the Application Data Sheet filed with the application on December 6, 2002.

Also, a review of Office records indicate that the non-final Office action was properly mailed to the correspondence address of record. Absent any irregularities in the mail, correspondence is presumed to have been delivered to the correspondence address of record. A review of the file reveals no irregularity in the mailing.

Applicant is advised that an allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. The showing required to establish non-receipt of an Office communication must include:

1. A statement from the Applicant stating that the Office communication was not received by the Applicant and attesting to the fact that a search of the file jacket and docket records indicate that the Office communication was not received.
2. A copy of the file jacket or docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in Applicant's statement.

Accordingly, Applicant's assertion, that the Office action was not received, is insufficient to justify withdrawing the holding of abandonment. Applicant must also attest to the fact that a search of the file jacket and docket records indicate that the Notice was not received, and provide a copy of the docket record (or file jacket) where the non-received Notice would have been entered had it been received and docketed.

Conclusion

The petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



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Office of Petitions